APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,535	07/27/2000	Donald F. Hooper	10559-137002 / P7876X	1214

20985 7590 04/18/2007	EXAMINER	
FISH & RICHARDSON, PC		
P.O. BOX 1022	ENG, DAVID Y	
MINNEAPOLIS, MN 55440-1022		
	ART UNIT	PAPER NUMBER
	2155	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/626,535	HOOPER ET AL..p
	Examiner	Art Unit	
	DAVID Y. ENG	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 March 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-21* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner..

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date *3/20/2007*.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

Claim 2 has been cancelled previously. Newly submitted claim 21 has been

entered. The active claims are 1 and 3-21.

The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees.   A nonstatutory
obviousness-type double patenting rejection is appropriate where the conflicting claims
are not identical, but at least one examined application claim is not patentably distinct
from the reference claim(s) because the examined application claim is either anticipated
by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140
F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29
USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.
1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422
F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163
USPQ 644 (CCPA 1969).
A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)
may be used to overcome an actual or provisional rejection based on a nonstatutory
double patenting ground provided the conflicting application or patent either is shown to
be commonly owned with this application, or claims an invention made as a result of
activities undertaken within the scope of a joint research agreement.
Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

Claims 1 and 3-21 are rejected on the ground of nonstatutory obviousness-type

double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,606,704.

Although the conflicting claims are not identical, they are not patentably distinct from

each other because the method as recited in the instant claims is performed by the

multithreaded processor recited in the '704 patent. The claims of US patent '704 recite a

system for performing the method set forth in the instant claims. The general purpose

processor along with the plurality of program counters recited in '704 schedule threads

to the plurality of micro-engines via a first bus for processing. The independent claims of

'704 further recite that the plurality of micro-engines are capable of simultaneously

active. Anyone of the micro-engines therefore can be scheduled without waiting for

completion of other micro-engines.

The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claims 1 and 3-21 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kahle (USP 6,212,542) in vew of Belkin (USP 6,373,848).

With respect to claim 1, See the abstract, Figures 4, and 6 and the corresponding

description thereof in the specification of Kahle. Kahle teaches:

A method of processing network data in a processor (multiscalar
processor) having multiple programmable multi-threaded engines (PEs, 132-
138 Figure 4) integrated within the processor, the method comprising:

scheduling (thread scheduler, Fig. 4) a first thread provided by the
multiple programmable multi-threaded engines integrated within the processor
to process a first incoming block of data within a network packet received at
port of a media access control device ; and

scheduling a second thread provided by the multiple programmable
multi-threaded engines integrated within the processor to process a second
incoming block of data within the network packet prior to the first thread
completing processing of the first incoming block of data.

The only difference is that Kahle does not make clear whether his processor is

processing in a network environment. Using a processor having multiple thread engines

to process network data is well known in the art. Belkin teaches using a processor

having multiple thread engines to process network data. From the teaching of Belkin, it

would have been obvious to a person of ordinary skill in the art to use the multiscalar

processor of Kahle in a network environment so that packets can be processed by the multiple engines (PEs).

As to claim 3, it is well known that processor has state information. Storing and retrieving state information (addresses in memory program counter) is well known in computer art.

As to claims 4-6, memory pointer is nothing but a counter and is inherent in memory.

As to claims 7-21 , they do not define above the invention claimed in claim   and therefore are rejected for the same reasons.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID Y. ENG whose telephone number is 571-272-3984. The examiner can normally be reached on M-F from 8AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SALEH NAJJAR, can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAVID Y. ENG
PRIMARY EXAMINER